

REMARKS

No new matter is added by this amendment. The present application was filed on September 12, 2003 with original claims 1-65. In previous amendments, claims 1, 33 and 34 were amended. In this amendment, claims 1, 2, 33, and 34 have been amended. The claims remaining in consideration are claims 1-65 of which claims 1 and 33 are independent claims. Reconsideration is respectfully requested.

Claims 1-17, 24-48, and 56-65 were rejected under 35 USC §102(b) as being anticipated by US Patent 6,024,641 issued to Robert A. Sarno on February 15, 2000 ("Sarno"). This rejection is respectfully traversed.

Sarno, *inter alia*, does not include a remote computer carried by a user which is used to establish or input, by the user, attendance by a plurality of players at an event at a common location, where the user is not one of the players, as required, for example, by amended independent claim 1.

In the outstanding Office Action, the Examiner characterizes applicants previous arguments as stating that "Sarno does not disclose a remote device used by a nonplayer system user, or an attendance at event." (see page 7, lines 2-3 of the present office action). The Examiner further states:

"The examiner respectfully disagrees. The claimed invention makes no distinction between players and users, and may be the same person."

Although Applicants respectfully disagree, i.e., the claim language clearly denotes both players and a user, which is defined in the specification as a employee of the casino (see paragraph [0078], for example, applicants have made it expressly clear in independent claims 1 and 33 that the user is "not one of the players".

Sarno discloses a method, apparatus, and system for playing and verifying the results of a lottery, lottery-type, or other game played by end-users who are *remotely located*. One of the problems at which the Sarno system is aimed arises from the use of providing access to games at remote locations though wide area networks, local area network (LAN), the internet or World Wide Web. Sarno describes the problem as:

it is virtually impossible to assure players the virtual casino game is fair and has not been "virtually" manipulated or fixed in some manner. (Column 1, lines 59-63.

Through use of a wide area network or the Internet, or even a LAN, the Sarno system allows the "user" to register and to make selections (such as lottery numbers) at one of a number of terminals, in order to play the game. Specifically, the Sarno system does not require "attendance" at any event. In fact, it is aimed at allowing users to register and/or play games remotely. Since Sarno does not require the player ("user") to attend an event, it does not and cannot allow a user to enter their attendance using a remote device, nor store their attendance in a database as required by independent claims 1 and 33.

The present invention relates to a remote device and a method for registering attendance of a plurality of players, using a device, at a predetermined or predefined marketing event. The remote device may be embodied in a mobile computer (such as a PDA or cell phone or other suitable device) which may be carried by a user, i.e., employee of the casino to facilitate entry of a player's attendance (and confirmation of a player's identity) at the event.

Typically, such events will be aimed at drawing players to a particular location, such as a particular casino at a specific time. The players may be rewarded, in term of comps or player awards or other incentives. As such, it is important to correctly determine whether or not a player had attended such event in person.

Independent claims 1 and 33 have been amended to more clearly identify the differences between the present invention and Sarno. For instance, independent claims 1 and 33 have been amended to include the limitations of now cancelled dependent claims 66 and 67, respectively.

As discussed above, amended independent claim 1 sets forth a remote system for use with a gaming system for establishing attendance of a plurality of players at an event which occurs at a common location. The remote device is embodied in a mobile computer which can be carried by a user. The remote device receives identification information related to each player in attendance at the event at the common location input by the user, who is also

located at the common location. The attendance information is sent to a host computer and stored in a database over a remote network interface.

Independent 33 sets forth a method for establishing attendance of a plurality of players at an event occurring at a common location. The method includes the steps of providing a remote device embodied in a mobile computer which may be carried by a user and establishing, at the remote device, player identification information for each player in attendance at the event at the common location. The method includes the steps of sending the player identification information from the remote device to the host computer and receiving the player identification information of the host computer and storing the player's attendance in a database.

Sarno does not include each and every element of independent claims 1 and 33. For instance, Sarno does not disclose a remote device embodied in a mobile computer for use by a user (not the player). Furthermore, since the event occurs at a common location, all of the players must attend the event *at the common location* in order for their attendance to be logged by the user on the remote device.

Sarno teaches away from tracking player attendance at an event at a common location, since it is specifically aimed at a gaming environment which allows the player to play a game remotely.

Since Sarno does not include each and every limitation of independent claims 1 and 33, applicants respectfully asserts that the §102(b) rejection of independent claim 1 and 33 is improper and must be withdrawn.

Claims 2-17, 24-32, 34-48 and 56-65 are ultimately dependent upon allowable claim 1 or 33. Thus, for the reasons set forth above and based on their own merits, applicants respectfully assert that claims 2-17, 24-32, 34-48 and 56-67 are also allowable over Sarno.

Claims 18-24 and 49-55 were rejected under 35 USC §103(a) as being unpatentable over Sarno in view of Database Management System, 1998, McGraw Hill. ISBN 0-07-050775-9 ("Ramakrishnan"). This rejection is respectfully traversed.

The Examiner utilizes Ramakrishnan to teach the use of tables in a database. However, Ramakrishnan does not overcome the failings of Sarno. Therefore, for the reasons

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set forth and based on their own merits, applicants respectfully that claims 18-24 and 49-55 are allowable of Sarno and Ramakrishnan, singularly or in combination.

All of the Examiner's rejections and objections having been successfully traversed and/or made moot, applicants respectfully assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited. If the Examiner believes that a telephone interview would be appropriate, please contact the undersigned at the number provided below.

Applicant believes that no additional fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

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Date

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